

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANIEL DeFEBO,

Plaintiff,

v.

ANDERSEN WINDOWS, INC.,
and HOME DEPOT U.S.A., INC.,

Defendant.

CIVIL ACTION

NO. 09-2993

FILED

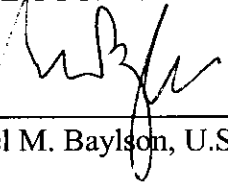
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U.S. District Court
By: [Signature] Clerk

ORDER

AND NOW, this 23rd day of November 2009, for the reasons stated in the foregoing Memorandum, it is hereby ORDERED that Defendant Home Depot U.S.A., Inc.'s ("Home Depot") Motion to Dismiss Count IV of Plaintiff's Second Amended Complaint (Doc. 29) is GRANTED. Accordingly, Count IV of Plaintiff's Second Amended Complaint is DISMISSED as to Home Depot with prejudice.

BY THE COURT:



Michael M. Baylson, U.S.D.J.

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Fax

*cc: Smith
Devine
D'angelo*